IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
JUDGES ORDER NO.180 OF 2007
IN
SUIT NO.1661 OF 1997.

D.F.Hodiwala ..Plaintiff

versus

Abdul Salam Mohd. Ayub & Ors. ..Respondent.

Mr.H.s.Murthy for the applicant/ Plaintiff

Defendant No.4 present in person

Coram : S.R.Sathe, JJ.
Dated : 13th June, 2007

P.C.

1. Heard learned Advocate for the plaintiff as well as the defendant No.4 in person. He has raised several contentions. However, all those contentions will have to be decided after the suit is restored and not at this stage. Having considering the reasons mentioned in the affidavit for not taking steps regarding service of notice on defendants, the matter was dismissed on 15.7.2004. There is a considerable delay in making application and the defendant has been put to inconvenience.

2. Under the circumstances, suit is restored on plaintiff paying cost of Rs.5000/- (Rupees Five Thousand Only) to the defendant No.4 Shaikh Mohammed

Saeed Abdul Salam. The rest of the defendants have remained absent.

3. The cost to be paid within two days. The learned advocate for the plaintiff submits that he will send the cost to defendant No.4 by Money Order.

4. The plaintiff to serve the defendants within eight weeks. Defendant No.4 waives service.

5. Judges Order disposed of accordingly.

(S.R.Sathe, J.)